

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

UNITED STATES OF AMERICA

V.

ADRIAN WITCHER

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5:02-CR-17(1)

MEMORANDUM ORDER

The above-entitled and numbered criminal action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections were filed to the Report and Recommendation. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that Defendant's plea of true to the first and third allegations as set forth in the Government's petition is **ACCEPTED**. It is further

ORDERED that Defendant's supervised release is **REVOKED**. Based upon Defendant's plea of true to the allegations, the Court finds Defendant violated his conditions of supervised release. It is further

ORDERED that Defendant is committed to the custody of the Bureau of Prisons to be imprisoned for a term of four (4) months, with four years of supervised release to follow the term of imprisonment. It is further

REQUESTED that the Bureau of Prisons designate FCI Texarkana for service of sentence. It is further

ORDERED that while on supervised release, Defendant shall not commit another federal, state, or local crime; Defendant shall not illegally possess a controlled substance, and shall refrain from any unlawful use of a controlled substance; Defendant shall be required to submit to a drug test within 15 days of release on supervised release, and at least two periodic drug tests thereafter, as directed by the probation officer; Defendant shall not possess a firearm, destructive device, or any other dangerous weapon. Within 72 hours of release from the custody of the Bureau of Prisons, Defendant shall report in person to the probation office in the district to which the Defendant is released. It is further

ORDERED that Defendant shall be placed on home detention for a period not to exceed 120 days, to commence immediately upon release from confinement. During this time, Defendant shall remain at his place of residence except for employment or other activities approved in advance by the U.S. Probation Officer. Defendant shall maintain a telephone at his residence without "call forwarding," "a modem," "Caller I.D.," "call waiting," or portable cordless telephones for the above period. At the direction of the probation officer, Defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. Defendant is to pay the cost associated with his program of electronic monitoring. Defendant shall provide the probation officer with access to any requested financial information for purposes of monitoring his efforts to obtain and maintain lawful employment. Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer.

SIGNED this 17th day of August, 2007.

A handwritten signature in black ink, appearing to read "David Folsom", is written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE